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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/829,443 | ROGERS ET AL. | |
| | Examiner | Art Unit | |
| | Satya B. Sastri | 1713 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on May 11, 2005.
2. ☒ The allowed claim(s) is/are 1-4, 12-16 and 34-38.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
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| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE

1. All previous rejections have been overcome by the amendment filed May 11, 2005 and the rejections are withdrawn. *Claims 1-4, 12-16, 34-38* are now pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bryan Davidson on May 20, 2005.

The application has been amended as follows:

- In *claim 16*, line 1, replace "claim 15" by "claim 12".
- In *claim 16*, line 1; change the status identifier from "(Original)" to "(Currently amended)".
- In *claim 34*, line 1; change the status identifier from "(New)" to "(Previously Presented)".

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- In specification, please note that the amendment filed on May 11, 2005, incorrectly amends page 6, lines 16-28 as opposed to page 7, lines 13-16.
- In specification, on page 7, please revert back the amendment at line 16 and change "from about 25 to about 500 wt.%" to "from about 1 to about 500 wt.%".

Reasons For Allowance

3. ***Claims 1-4, 12-16, 34-38*** are allowed.

4. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Hosokawa et al. (US 6,313,231 B1).

Instant claims are directed to flame retardant superabsorbent polymer particles comprising a superabsorbent polymer particle and about 25 wt.% to about 500 wt.% of a dried residue of an aqueous inorganic flame retardant solution, and method of making the same.

The prior art to Hosokawa et al. discloses superabsorbent resin composition comprising a superabsorbent resin, a metal compound and a chelating agent based on water-soluble inorganic phosphoric acid compounds such as polyphosphoric acid, pyrophosphoric acid and sodium or potassium salts thereof. The chelating compound may be used in amounts ranging from 0.01 to 5 parts, per 100 parts of the superabsorbent resin by weight.

The amended claims recite superabsorbent polymer particles comprising 25 wt.% to 500 wt.% of a flame retardant as opposed to 0.01 to 5 wt.% disclosed in the prior art.

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Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

Future Correspondence

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satya Sastri

SATYA SASTRI

May 23, 2005

TATYANA ZALUKAEVA
PRIMARY EXAMINER

Taluk